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LETTER DATED 27 OCTOBER 1997 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I wish to inform you of recent developments in relation to Cambodia subsequent to the events of 5 and 6 July 1997, on which the Secretariat briefed the members of the Security Council in informal consultations, and to my meetings with Cambodian leaders and foreign ministers of member countries of the Association of South-East Asian Nations (ASEAN) and other interested parties in New York last month. During those discussions, a consensus emerged that it was highly desirable that those political leaders who had remained outside Cambodia following those events, particularly members of the National Assembly, should return as soon as possible in order to participate fully in the political process to draw up legislation to ensure a level playing field for free and fair elections in 1998. Certain practical measures were also discussed to ensure that this would come about in satisfactory conditions.

I am now in a position to inform you that I have received a letter from His Excellency Mr. Ung Huot and His Excellency Samdech Hun Sen, providing me with assurances concerning the forthcoming elections and the security and safety of returning political leaders, as well as regarding their participation in political activities, and expressing readiness for the United Nations to monitor implementation. I am attaching a copy of that letter (see annex I), which I am confident provides the necessary guarantees to meet the legitimate concerns expressed by the political leaders.

I am also attaching a letter from the Permanent Representatives of Indonesia, the Philippines and Thailand to the United Nations (see annex II) containing a request for the assistance and cooperation of the United Nations in monitoring and observing the safe return to Cambodia of all political leaders and other leading personalities of the United National Front for an Independent, Neutral, Peaceful and Cooperative Cambodia (FUNCINPEC) as well as of other parties, and the unfettered resumption of their political activities. Assuming such action receives the backing of the Security Council, I would be prepared to provide such cooperation and assistance, while keeping the Council regularly informed. I would do so on the understanding, discussed with the authors of the request, that the role of the Organization would be essentially political in nature, since the actual safety of the returnees as well as their capacity to resume political activities in an unfettered fashion would be the responsibility

of the Cambodian authorities - a responsibility which the authorities have undertaken to shoulder in the 22 October letter from His Excellency Mr. Ung Huot and His Excellency Samdech Hun Sen.

I am further attaching a letter addressed to me by His Royal Highness Samdech Krom Preah Norodom Ranariddh, received through His Royal Highness Ambassador Sisowath Sirirath (see annex III). I am responding that the guarantees offered by His Excellency Mr. Ung Huot and His Excellency Samdech Hun Sen, combined with the role that the United Nations would play at the request of the Governments of the "ASEAN Troika", provide an adequate atmosphere for the return of political leaders. I am of the view, after consulting my Legal Counsel, that the guarantees contained in the letter of His Excellency Mr. Ung Huot and His Excellency Samdech Hun Sen apply fully to the Prince, and I am writing to him accordingly.

I would be grateful to you, Mr. President, if you could kindly make the text of the present letter and its attachments available to the members of the Security Council.

(Signed) Kofi A. ANNAN

Annex I

Letter dated 22 October 1997 from His Excellency Mr. Ung Huot and His Excellency Samdech Hun Sen addressed to the Secretary-General

On behalf of the delegation of the Royal Government of Cambodia, we wish to express our deep appreciation for the precious time you gave us for a direct exchange of views on the current situation in Cambodia, including the issues of the Cambodian seat at the United Nations and the role of the United Nations in the Cambodian election in 1998.

May we assure Your Excellency and the States Members of the United Nations that the Royal Government of Cambodia is fully committed to maintaining and improving politico-socio-economic stability and ensuring a peaceful environment conducive to free and fair elections in 1998. Preparations are currently under way for the election to take place as scheduled.

As discussed, the Royal Government of Cambodia is determined to organize this election in the most democratic and the fairest manner possible, with the participation of as many political parties and the observation of as many international observers as possible. The Royal Government of Cambodia wishes to reiterate its readiness to cooperate with Your Excellency in coordinating the dispatch and the work of international observers mandated to observe the whole electoral process.

In order to ensure that the elections are held in a democratic, free and fair manner and with the participation of all political parties, the Government undertakes to guarantee the physical security and safety of those members of the National Assembly and other political leaders who wish to return to Cambodia and resume their political activities in connection with the forthcoming elections. The Government also undertakes to maintain and respect the parliamentary immunity of members of the National Assembly and to guarantee all other political leaders' freedom from arrest and detention in respect of acts done and words spoken prior to their return, and thereafter in respect of acts and words spoken in connection with their electoral activities. The Government shall further ensure that all political leaders enjoy freedom from intimidation and threat in respect of any and all political activities relating to the election and, in particular, freedom of movement, assembly and speech as provided for under the Constitution and the electoral law, without discrimination.

The Royal Government wishes to reiterate its readiness for the United Nations to monitor the safe return of members of the National Assembly and other political leaders and their freedom to engage in political activities.

We are looking forward to a very close cooperation between the Royal Government and Your Excellency.

(Signed) UNG HUOT
First Prime Minister

(Signed) HUN SEN
Second Prime Minister

Annex II

Letter dated 22 October 1997 from the Permanent Representatives of Indonesia, the Philippines and Thailand to the United Nations addressed to the Secretary-General

With the concurrence of the parties concerned in Cambodia, we the "ASEAN Troika" would like to request your assistance and cooperation in monitoring and observing the safe return to Cambodia of all political leaders and other leading personalities of FUNCINPEC as well as of other parties and their unfettered resumption of their political activities. It is our hope that with such support being extended to them, the sense of personal security of these leaders and of other people can be ensured.

(Signed) Makarim WIBISONO
Permanent Representative
of Indonesia

(Signed) Felipe MABILANGAN
Permanent Representative
of the Philippines

(Signed) Asda JAYANAMA
Permanent Representative
of Thailand

Annex III

Letter dated 24 October 1997 from His Royal Highness Samdech Krom Preah Norodom Ranariddh addressed to the Secretary-General

I have the honour to inform you that Ambassador Sirirath Sisowath, Permanent Representative of the Kingdom of Cambodia to the United Nations, has conveyed to me today a copy of the letter dated Phnom Penh, 22 October 1997, addressed to Your Excellency, in which you have so kindly asked Ambassador Sisowath to keep me informed of the outcome signed by my colleague Second Prime Minister Hun Sen and Foreign Minister Ung Huot on the issue of guaranteeing the safe return and security of the members of Parliament and political leaders to Cambodia.

Since my name was not mentioned, I wonder whether this letter of Mr. Hun Sen also applies to me as a member of Parliament and a political leader. As Your Excellency is well aware, I am still being prevented by Mr. Hun Sen from returning home safely and that false charges and accusations made against me still have not been dropped. My immunity as a member of Parliament has already been taken away from me illegally by Mr. Hun Sen.

I am still horrified by his action of 5 and 6 July and therefore I must be cautious with regard to his approach. He has deceived the participants in the 1991 Paris Peace Accords on Cambodia by totally violating the agreement as well as dishonouring the efforts and the result of the elections organized and supervised by the United Nations in 1993.

I would be deeply grateful to Your Excellency if you would circulate both my letters and that of Mr. Hun Sen as a note from Your Excellency to the members of the Security Council and the General Assembly, without mentioning the title of either Hun Sen or Ung Huot, as no nation on earth at present has recognized the new regime in Cambodia since the violent coup d'état of 5 and 6 July in my country.

May I take this wonderful opportunity once again to express my warmest thanks and appreciations to Your Excellency for receiving me last month at the United Nations and for the care and concern that you have always shown in order to bring about a peaceful political solution to Cambodia. Your tireless efforts will no doubt prevail and the Cambodian people will be eternally in debt to you and the United Nations.

(Signed) NORODOM RANARIDDH
First Prime Minister